

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION ----- This document applies to: WAVE 10 CASES LISTED IN EXHIBIT A	Master File No. 2:12-MD-02327 MDL 2327 WAVE 10 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
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**NOTICE OF ADOPTION OF PRIOR RESPONSES IN OPPOSITION TO
DAUBERT MOTION TO EXCLUDE EXPERT TESTIMONY OF
SHELBY THAMES, PH.D.**

Plaintiffs submitted a *Daubert* motion to exclude or limit the opinions and testimony of Shelby Thames, Ph.D. (Docs. 8071 & 8073). In their motion, Plaintiffs adopted their prior briefing from Waves 1-3. *Id.* (adopting Docs. 2039, 2042, 2247, 2455, 2458, 2621, 2839, 2841, 3037). Plaintiffs also purport to raise additional grounds for excluding Dr. Thames's testimony based upon the 2014 testimony of Defendants' 30(b)(6) representative; however, Plaintiffs' argument is familiar territory raised in their Wave 1-3 briefing. (*Compare, e.g.,* Doc. 8073, with Doc. 2458 at 6-8 (raising this identical argument)). In response, Defendants hereby adopt and incorporate by reference their prior responsive briefing (Docs. 2187, 2553, 2957) in opposition to the motion to exclude Dr. Thames's testimony. Defendants respectfully request that the Plaintiffs' motion be denied for the reasons stated in their prior briefing.

This notice applies to the Wave 10 cases identified in Exhibit A, attached to Plaintiffs' *Daubert* motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this day, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage
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